

Notice of Allowability

Application No.

09/750,317

Examiner

Jacques Veillard

Applicant(s)

SCHREIBER, ROBERT WALTER

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 6/8/2004.
2. ☒ The allowed claim(s) is/are 1-51.
3. ☒ The drawings filed on 29 January 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____. | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |


CHARLES RONES
PRIMARY EXAMINER

DETAILED ACTION

1. This action is responsive to the Applicant's amendment filed on 6/8/2004.
2. Claims 1-3, 5, 8, 11-13, 15, 18, 21-23, 25, 28, 31-35, 38, 41-43 have been amended, and claims 44-51 have been added. Upon this amendment, claims 1, 11, 21, 31, and 41-43 are the independent claims. Other claims are the dependent.

Priority

3. Applicant's claim for domestic priority under 35 U.S.C. 119(e) over the US Application S/N 60/209,644 filed on 06/05/2000 is acknowledged. ***Drawings***
4. The formal drawings filed on January 29, 2001, are accepted as to the merit by the examiner.

Allowable Subject Matter

5. Claims 1-51 are allowed over the prior art of record.
6. The following is an examiner's statement of reasons for allowance:

Applicant's particularly disclose a method, system and processor readable medium for searching at least one database having hierarchical data lists, hierarchical data containers, and hierarchical data elements by conducting a search using statistically matching in hierarchical database environment by receiving a search request for data, wherein the search request includes a predetermined tolerance and predetermined units, generating a first statistical curve from values derived from the search request; searching at least the hierarchical data lists, the

hierarchical data containers, and the hierarchical data elements stored in the at least one database for data that matches the search request, generating a second statistical curve from data stored in at least one of the hierarchical data lists, the hierarchical data containers, and the hierarchical data elements; and determining whether the at least one of the hierarchical data lists, the hierarchical data containers, and the hierarchical data elements satisfies the search request as embodied in the independent claims 1, 11, 21, 31, 41, 42, and 43, in context with the other limitations of the claims and as further described in the specification on page 3 line 12 through page 5, line 11 and page 22 line 16 through page 23 line 27 et alia was not disclosed by, would not have been obvious over, nor would have fairly suggested by the prior art of record.

The dependent claims, being further limiting to the independent claims, definite and enabled by the specification are also allowed.

The prior arts of record fail to teach or suggest a method, system and processor readable medium for searching at least one database having hierarchical data lists, hierarchical data containers, and hierarchical data elements by conducting a search using statistically matching receiving a search request for data, wherein the search request includes a predetermined tolerance and predetermined units, generating a first statistical curve from values derived from the search request; searching at least the hierarchical data lists, the hierarchical data containers, and the hierarchical data elements stored in the at least one database for data that matches the search request, generating a second statistical curve from data stored in at least one of the hierarchical data lists, the hierarchical data containers, and the hierarchical data elements; and determining whether the at least one of the hierarchical data lists, the hierarchical data containers, and the hierarchical data elements satisfies the search request as recited in

Art Unit: 2165

independent claims 1, 11, 21, 31, 41, 42, and 43. The prior arts of record fail to anticipate or render Applicant's limitations above obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any response to this action should be mail to:

Commissioner of Patent and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 746-7239 (for formal communication intended for entry)

Or:

(703) 746-7240 (for informal of draft communications, please label

"PROPOSED" or "DRAFT")

Hand - delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington.

VA, Fourth Floor Lobby (Receptionist Telephone No. (703) 305-3900).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (703) 305-7094. The examiner can normally be reached Monday through Friday from 9:30 AM to 4: 30 PM.

Art Unit: 2165

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached on (703) 305-3830. The fax phone number for this group is (703) 308-5403.



CHARLES RONES
PRIMARY EXAMINER



Jacques Veillard
Patent Examiner TC 2100

October 15, 2004